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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,618	10/17/2001	Jeffrey D. Musselwhite	DLY-014;CIP	8760

7590 04/29/2003

THE MATTHEWS FIRM  
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[REDACTED] EXAMINER

WALKER, ZAKIYA NICOLE

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3672

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)						
	09/982,618 Examiner Zakiya N. Walker	MUSSELWHITE ET AL Art Unit 3672						
<p><i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i></p>								
<p><b>Period for Reply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>								
<p><b>Status</b></p> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>18 December 2002</u>.</p> <p>2a)<input type="checkbox"/> This action is <b>FINAL</b>.      2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>								
<p><b>Disposition of Claims</b></p> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>6-25,36-40 and 42-67</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input checked="" type="checkbox"/> Claim(s) <u>47-67</u> is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>6-10,12-21,36-40 and 42-46</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>11 and 22-25</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>								
<p><b>Application Papers</b></p> <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>								
<p><b>Priority under 35 U.S.C. §§ 119 and 120</b></p> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>								
<p><b>Attachment(s)</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">1)<input type="checkbox"/> Notice of References Cited (PTO-892)</td> <td style="width: 33%;">4)<input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>13</u>.</td> </tr> <tr> <td>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</td> <td>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</td> </tr> <tr> <td>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</td> <td>6)<input type="checkbox"/> Other: _____</td> </tr> </table>			1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>13</u> .	2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____
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3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____							

**DETAILED ACTION**

***Claim Objections***

1. Claims 22-25 are objected to because of the following informalities: Claim 22, line 4 the term --cement-- should be inserted after "pumping" for clarity purposes. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 16 recites the limitation "said one or more valve seats" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-10, 12-21, 36-40, 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman'174 (cited by applicant).

Freeman'174 discloses a cementing shoe and basket that includes equipment comprising a tubular string 2, an outer tubular member 26, 40, an inner tubular member

140, 120, a first position (Figs. 1 and 2), a second position (Figs. 3 and 4), and one or more valves 104. The reference further teaches one or more valve seats 94, one or more passageways 48, an inner tubular member seat 132, a drop member 200, at least one up jet (48, located at an up end of shoe), at least one down jet (64, located at a down end of shoe), a moveable member 140, 120, and the drop member mounted adjacent the moveable member and being operable in response to fluid pressure (col. 4, lines 38-41). With respect to the method claims 19-21, the reference teaches lowering a tubular string 2, sealing off one or more valves 104 from fluid flow (see Figs. 1 and 2), selectively uncovering the valves, dropping a member 200 into the string, and selectively closing one or more passageways 64. With respect to claims 36-40 and 42-46, the reference teaches an outer tubular member 26, 40, at least one down jet 64 (second jet), a moveable member 140, 120, at least one up jet 48 (first jet), one or more valves 104 (float), and one or more valve seats 94.

#### ***Allowable Subject Matter***

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 22-25 would be allowed if claim 22 were rewritten to correct the objection in paragraph 1 above.
8. Claims 47-67 are allowed.

***Response to Arguments***

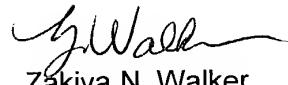
9. Applicant's arguments with respect to claims 6-25, 36-40, and 42-67 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (703) 305-0302. The examiner can normally be reached on Monday-Thursday, 6:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 746-3826 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Zakiya N. Walker  
Examiner  
Art Unit 3672

zw  
April 22, 2003

*Attachment : Examiner's Amendment*

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William E. Johnson, Jr. (for Guy E. Matthews) on 4/17/03.

The application has been amended as follows:

In the Claims

Claim 57, line 3 the term --having a bore-- has been inserted after "valves." In line 8, the term "said" [1<sup>st</sup> occurrence] as been deleted.

In the Abstract

Page 25, line 1 the term "is disclosed" has been deleted. In line 3, the term "present invention" has been replaced with --apparatus--. In line 4, "[i]f desired, circulation" has been replaced with --Circulation--. Lines 7-8, the term "in accord with the present invention" has been deleted. In line 9, the term "invention" has been replaced with --apparatus--.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (703) 305-0302. The examiner can normally be reached on Monday-Thursday, 6:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 746-3826 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

b.M.J.  
zw

April 17, 2003

Cory Farnis  
4/18/03